IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: John T. WASSOM, Jr. et al.	Art Unit	: 2179
Serial No.	: 09/582,262	Examiner	: Nhon D. Nguyen
Filed	: October 10, 2000		
Title	: MANAGING NAVIGATION AND HISTORY INFORMATION		

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL BRIEF ON APPEAL

(1) Real Party in Interest

America Online, Inc., the assignee of this application, is the real party in interest.

(2) Related Appeals and Interferences

There are no related appeals or interferences.

(3) Status of Claims

Claims 1-50 are pending in this application, of which claims 1, 28, 42 and 44 are independent. All claims have been rejected, and all claims have been appealed.

(4) Status of Amendments

The claims have not been amended subsequent to the final rejection.

(5) Summary of Claimed Subject Matter

Independent claim 1 recites a method of managing navigation information in a computer application including, among other features maintaining global navigation information for a plurality of resources using a single navigation interface based on the communicated state information, wherein the plurality of resources are separate and independent resources that include both browser and non-browser applications. See, e.g., Graphical User Interface (GUI) 500 described in connection with FIGs. 5-8B at pages 8-15 of the specification, including, for example, page 9, lines 13-31 (Fig. 5, 500). The global navigation information is presented as an ordered list of the resources representative of an order in which the resources were accessed

using the single navigation interface (e.g., GUI 500). See, e.g., FIGs. 6A-7 and supporting description at pages 8-15 of the specification particularly relating to "global history list," including, for example, page 10, lines 15-31 through page 11, lines 1-15.

Independent claim 28 recites a method of managing a history list in a computer application, the method including, among other features, receiving state information from a plurality of independent and separate resources that include both browser and non-browser applications, each resource residing in an associated local context. See, e.g., Graphical User Interface (GUI) 500 described in connection with FIGs. 5-8B at pages 8-15 of the specification, including, for example, page 9, lines 13-31 (Fig. 5, 500). Based on the-received state information, a history of resources accessed by a user of the computer application are maintained and a global-context history list representative of an order in which the resources were accessed are presented using a single navigation interface (e.g., GUI 500). See, e.g., FIGs. 6A-7 and supporting description a pages 8-15 of the specification particularly relating to "global history list," including, for example, page 10, lines 15-31 through page 11, lines 1-15.

Independent claim 42 recites a software application environment for a computer system including, among other features, a plurality of resources each having an associated local context, wherein the plurality of resources are separate and independent resources that include both browser and non-browser applications. See, e.g., Graphical User Interface (GUI) 500 described in connection with FIGs. 5-8B at pages 8-16 of the specification, including, for example, page 9, lines 13-31 (Fig. 5, 500). A navigation mechanism that includes a single navigation interface and enables a user of the application to move among the resources based on the global-context navigation information, wherein the global-context navigation information is presented as an ordered list of the resources representative of an order in which the resources were accessed using the single navigation interface (e.g., GUI 500). See, e.g., FIGs. 6A-7 and supporting description a pages 8-16 of the specification particularly relating to "global history list," including, for example, page 10, lines 15-31 through page 11, lines 1-15.

Independent claim 44 recites software, stored on a computer-readable medium, including instructions for causing a computer system to perform, among other features, the following operation establish a global context that can communicate with a plurality of resources, each resource residing in an associated local context, wherein the plurality of resources are separate

and independent resources that include both browser and non-browser applications. See, e.g., Graphical User Interface (GUI) 500 described in connection with FIGs. 5-8B at pages 8-16 of the specification, including, for example, page 9, lines 13-31 (Fig. 5, 500). Global navigation or history information, or both, is maintained based on the communicated state information using a single navigation interface, the global navigation information or the history information is presented as an ordered list of the resources representative of an order in which the resources were accessed using the single navigation interface (e.g., GUI 500). See, e.g., FIGs. 6A-7 and supporting description a pages 8-16 of the specification particularly relating to "global history list," including, for example, page 10, lines 15-31 through page 11, lines 1-15

(6) Grounds of Rejection

Claims 1-35 and 37-50 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bodnar (6,544,295). Claim 36, which depends from claim 28, stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bodnar in view of Official Notice.

(7) Argument

Claims 1, 28, 42 and 44; and Dependent Claims 2-27, 29-35, 37-41, 43, and 45-50

Claim 1 recites, in part, a method of managing navigation information in a computer application that includes, among other features, establishing a global context that can communicate with a plurality of resources, where each resource resides in an associated local context. State information is communicated from one or more of the local contexts to the global context and global navigation information is maintained for the plurality of resources using a single navigation interface based on the communicated state information, where the plurality of resources are separate and independent resources that include both browser and non-browser applications. The global navigation information is presented as an ordered list of the resources representative of an order in which the resources were accessed using the single navigation interface.

Applicants respectfully request reversal of the rejection based on Bodnar. Specifically, Bodnar does not describe or suggest that the global navigation information is presented as an ordered list of the resources representative of an order in which the resources were accessed

using the single navigation interface. Although Bodnar describes browser and non-browser applications, a comprehensive, ordered list of the resources (browser and non-browser) in a single user interface is not described or suggested by Bodnar. Further, the allegedly analogous "ordered-list" of Bodnar (FIG. 7) is not the recited ordered list of resources (browser and non-browser).

Specifically, Bodnar describes a "Quick mark" utility that allows a user to organize programs, web sites, and other items in tabs, and launch them with a single click. The Office has relied upon the user interface shown in FIG. 7 of Bodnar to describe or suggest the single navigation interface that is used to present an ordered list of the resources representative of an order in which the resources were accessed. However, Applicants submit that the interface of FIG. 7 of Bodnar does present an ordered list of the resources representative of an order in which the resources were accessed.

The interface of Bodnar includes a list of marks that is organized by tabs, folders and visual icons. Buttons on the utility let the user start programs or jump to a web site. See Bodnar, col. 7, lines 35-51. One Quick mark interface illustrates a list of new and removed items. See Bodnar, Fig. 7 and col. 5, lines 14-15. When a user clicks on a "What's New" button, the interface illustrated in Fig. 7 is displayed. The "What's New" interface displays a list of new and removed items. The "What's New" interface does not display an ordered list of the resources representative of an order in which the resources were accessed using the single navigation interface, as recited in claim 1.

> As illustrated in FIG. 7, the system periodically scans the user-specified Quick marks and displays a list of new and removed items. Updated items are marked with a starburst; removed items, such as a discontinued Web site, are marked with an X. The user can customize how frequently the system checks the user's Quick marks and whether the user is notified with an alarm when an item changes. See Bodnar, col. 10, line 64 to col. 11, line 4.

The "What's New" interface of Fig. 7 of Bodnar illustrates when a particular Quick mark was updated and the type of Quick mark that was updated. The date/time stamp in the "Updated" column tells the user when the Quick mark was updated, as suggested by the name of the column and as described in the corresponding text. As indicated in the corresponding text quoted above, the items are updated to reflect when a change occurs, such as when a web site is

discontinued. As such, the "Updated" column does not tell the user when the Quick mark was accessed using the single navigation interface.

Furthermore, the "What's New" interface is not an ordered list of the resources representative of an order in which the resources were accessed because the list of Quick marks in the "What's New" interface is not in any particular order. As can be seen in Fig. 7, the list of Quick marks appears to be in a random order, which is not indicative of an order in which the resources were accessed using the single navigation interface.

The Office argues that the "Updated" (date and time) field of the list of Fig. 7 is equivalent to "presenting the global navigation information as an ordered list of the resources representative of an order in which the resources were accessed using the single navigation interface." Applicants respectfully disagree. However, even assuming for the sake of argument that the "date and time" field were analogous to the recited language of claim 1, the "date and time" field does not provide the ordered list as recited in the claims.

Specifically, the Office has pointed to FIG. 7 of Bodnar and the supporting description in the Bodnar reference at col. 6-col. 11, such as col. 10, lines 53-68 through col. 11, lines 1-5. The Examiner's remarks at page 11, paragraph 7 of the Final Office Action dated July 25, 2005 further recites:

> Applicant argued that Bodnar fails to describe or suggest that the global navigation information is presented as an ordered list of the resources representative of an order in which the resources were accessed using the single navigation interface.
>
> The Examiner disagrees for the following reasons. Fig. 7 is clearly global navigation information that presents a history list of the resources accessed by a user and the list is ordered by date and time. (Emphasis added)

Applicants respectfully submit that Fig. 7 and/or the supporting description do not teach or suggest the features allegedly identified by the Office. First, Fig. 7 includes "date and time" information (under the "Updated" field), but this list is clearly not a list of the resources ordered by date and time field. The Office will note that the first five entries on this list include, in the following order: an entry updated August 26, 1996, followed by an October 4, 1996 entry, followed by an August 23, 1996 entry, followed by an August 22, 1996 entry and then followed by an October 4, 1996 entry. Accordingly, this list is clearly not "ordered by date and time" as

suggested and relied upon in the Final Office Action. Although the Office has suggested that the fields shown in FIG. 7 of Bodnar are sortable, this functionality is neither described or suggested by Bodnar. Since the Office's interpretation of the Bodnar reference is incorrect, the rejection based upon these alleged teachings of Bodnar is improper and should be reversed.

Alternatively, the Office has suggested that the list of Fig. 7 teaches the plurality of separate and independent resources as an ordered list as recited in the independent claims. However, the list of Fig. 7 is not directed at both browser and non-browser applications as suggested by the Examiner. In fact, Fig. 7 merely shows browser resources, e.g., such as the field "Type" that lists "Internet QuickMarks" as the only type within this field of the list of new and removed items.

Moreover, in the Advisory Action mailed on October 12, 2005, the Office clarifies the interpretation of Bodnar as follows:

> Continuation of 11 does NOT place the application in condition for allowance because: In response to applicant's argument that the "Updated" column does not tell the user when the Quick mark was accessed, the Examiner disagrees for the following reasons. The bookmarked list shown in figure 7 clearly tells the user when the bookmarked items were accessed in order to update the bookmarked items which are shown on the "Updated" column.

In response, Applicant submits that this list (FIG. 7) which is not an ordered list, merely represents the dates in which the Quick mark was updated, not accessed. Further, Bodnar does not describe or suggest the global navigation information is presented as an ordered list of the resources (browser and non-browser resources) representative of an order in which the resources were accessed using the single navigation interface. Applicant has previously noted that Bodnar does not describe or suggest sorting the browser applications by "date and time field." The Office responds as follows:

> In response to applicant's argument that the "date and time" field does not provide the ordered list as recited in the claims, the Examiner disagrees for the following reasons. Figure 7 has several different fields (e.g., Name, Updated, Type and so on) that each of them can be sorted in order. In the example illustrated in the figure 7, the table is obviously not sorted by the "Updated" field but by a different field; however, Bodnar's teaching at column 29, lines 30-56 does show date sorting for sorting the bookmarked data in order. (Emphasis added).

In response, Applicant submits that col. 29, lines 30-56 does not show date sorting for the bookmarked data in order relative to FIG. 7. Further, Bodnar does not describe or suggest data sorting resources (browser and non-browser resources) in an order in which the resources were accessed using the single navigation interface. Rather, Bodnar, at col. 29, lines 30-56, merely describes "bookmarking" or reverse date sorting HTTP data, e.g., browser or web resources only. Specifically, this passage and the remaining portions of Bodnar, do not describe or suggest an ordered list of resources (browser and non-browser) in an order in which the resources were accessed using a single navigation interface.

In the Advisory Action, the Office clarifies that the ordered listing of browser and non-browser applications is described or suggested by Bodnar as follows:

> In response to applicant's argument that the list of figure 7 is not directed at both browser and non-browser applications as suggested by the Examiner, the Examiner disagrees for the following reasons. Bodnar does teach at column 9, lines 6-7 that the bookmarked items are not only selected from the Internet sites (browser applications) but also from the programs and documents (non-browser applications).

In response, Applicants submit that the user interface described and shown in connection with FIG. 7 does not include any non-browser applications. Further, Bodnar does not describe or suggest an ordered list of both browser and non-browser applications on a single user interface. Although Bodnar indicates that "QuickMarks" may include non-browser applications, there is no description or suggestion of integrating QuickMarks for browser and non-browser applications in an ordered list of a single user interface. Since all of the recited features are not described or suggested by Bodnar, the rejections under 35 U.S.C. § 102(e) are improper and should be reversed.

Similarly to claim 1, claim 28 recites an arrangement in which a global-context history list is presented that is representative of an order in which the resources were accessed using a single navigation interface. Since Bodnar does not describe or suggest all of the recited features of claim 28, the rejections under 35 U.S.C. § 102(e) are improper and should be reversed.

Similarly to claim 1, claim 42 recites an arrangement in which a global-context history list is presented as an ordered list of resources that is representative of an order in which the resources were accessed using a single navigation interface. Since Bodnar does not describe or suggest all of the recited features of claim 42, the rejections under 35 U.S.C. § 102(e) are improper and should be reversed.

Similarly to claim 1, claim 44 recites an arrangement in which the global navigation information or the history information is presented as an ordered list of resources that is representative of an order in which the resources were accessed using a single navigation interface. Since Bodnar does not describe or suggest all of the recited features of claim 44, the rejections under 35 U.S.C. § 102(e) are improper and should be reversed.

Applicant submits that claims 1-50 are patentable over Bodnar.

Rejection of Claim 36 Under 35 U.S.C. § 103

Claim 36, which depends from claim 28, stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bodnar in view of Official Notice. This rejection was timely traversed in the response filed on September 26, 2005. Applicants respectfully request reconsideration and withdrawal of this rejection because Bodnar fails to describe or suggest the features of claim 28 identified above. Although the Office has acknowledged that Bodnar does not describe or suggest the feature of the "presentation of the global-context history list comprises displaying a drop-down history list to a user," the Office has not provided any evidence to substantiate the opinions advanced in the Office Action mailed on July 25, 2005.

Specifically, the Examiner has relied upon the judicially created doctrine of Official Notice to allegedly overcome the shortcomings relating to the use of a global-context history list in a drop-down list. Applicants traversed the Examiner's use of Official Notice in the Final Office Action. In accordance with section 2144.03 of the MPEP, Applicants requested that the Examiner supplement the record with actual evidence in the prior art of record that clearly supports the Examiner's position that *both* the missing features of claim 36 and a motivation to alter the Bodnar reference to include the missing features of claim 36 was known to one of ordinary skill in the art at the time of the alleged modification. The Office has not provided the

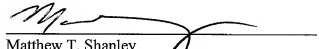
required evidence to substantiate the opinions advanced in the Office Action. Accordingly, this rejection should be reversed.

Applicant submits that all of the claims are in condition for allowance.

Please apply any charges not covered, or any credits, to Deposit Account No. 06-1050.

Respectfully submitted,

Date: Jan 15, 2006



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Appendix of Claims

1. (previously presented) A method of managing navigation information in a computer application, the method comprising:

establishing a global context that can communicate with a plurality of resources, each resource residing in an associated local context;

communicating state information from one or more local contexts to the global context;

maintaining global navigation information for the plurality of resources using a single navigation interface based on the communicated state information, wherein the plurality of resources are separate and independent resources that include both browser and non-browser applications; and

presenting the global navigation information as an ordered list of the resources representative of an order in which the resources were accessed using the single navigation interface.

2. (original) The method of claim 1 in which the communication of state information occurs in response to a change in state in one or more of the local contexts.

3. (original) The method of claim 2 in which the change in state in a local context comprises a change in a title associated with a resource or a change in an address associated with the resource, or both.

4. (original) The method of claim 2 in which the change in state in a local context is triggered by input from a user of the computer application.

5. (original) The method of claim 4 in which the user 's triggering input comprises one or more of clicking a cursor in a window associated with a resource, clicking on a link in a window associated with a resource, clicking on a Back/Forward navigation button, selecting an address from a displayed history list, or typing an address in an address field.

6. (original) The method of claim 2 in which the change in state in a local context is triggered by a computer process transparently to a computer user.

7. (original) The method of claim 6 in which the transparent triggering comprises a title change notification from a host computer.

8. (original) The method of claim 1 in which the global navigation information comprises state information for global-context Back/Forward buttons displayed in a graphical user interface associated with the computer application.

9. (original) The method of claim 1 in which the global navigation information comprises state information for a global-context history list presented to a user of the computer application.

10. (original) The method of claim 1 further comprising:

receiving navigation input from a user of the computer application; and

changing a focus to move among the resources based the received navigation input and the global navigation information.

11. (original) The method of claim 10 in which changing the focus comprises activating a window associated with a resource.

12. (original) The method of claim 1 in which maintenance of the global navigation information comprises selectively modifying the global navigation information depending on a manner in which a user interacts with the computer application.

13. (original) The method of claim 12 in which the global navigation information is not modified if the manner in which the user interacts with the computer application comprises one or more of clicking a cursor in a window associated with a resource, clicking on a link in a window associated with a resource, clicking on a Back/Forward navigation button, selecting an address from a displayed history list, or typing an address in an address field.

14. (original) The method of claim 1 in which maintenance of the global navigation information comprises pruning a navigation tree.

15. (original) The method of claim 14 in which pruning the navigation tree comprises: determining that a user of the computer application is accessing a new address; and deleting forward button state information.

16. (original) The method of claim 1 further comprising changing focus from a current window to a previously accessed window based on the global navigation information.

17. (original) The method of claim 16 in which, if a window associated with the previously accessed address has been closed, spawning a new instance of that window.

18. (original) The method of claim 16 in which changing focus from a current window to a previously accessed window comprises using local-context navigation information maintained by a resource when navigating within that resource 's local context.

19. (original) The method of claim 18 in which the resource maintaining local-context navigation information comprises a browser application.

20. (original) The method of claim 1 in which a user can specify whether closing a window associated with a resource results in deletion of the window from the global navigation information.

21. (original) The method of claim 1 in which maintenance of the global navigation information comprises deleting navigation information corresponding to a closed window.

22. (original) The method of claim 1 in which one or more of the resources comprises a browser application.

23. (original) The method of claim 1 in which one or more of the resources comprises a non-browser application.

24. (original) The method of claim 1 in which the computer application comprises online service client software.

25. (original) The method of claim 1 in which the global navigation information comprises a navigation path to move among resources.

26. (original) The method of claim 1 in which the communicated state information comprises a Uniform Resource Locator address.

27. (original) The method of claim 1 in which the communicated state information comprises a non-internet network address.

28. (previously presented) A method of managing a history list in a computer application, the method comprising:

receiving state information from a plurality of independent and separate resources that include both browser and non-browser applications, each resource residing in an associated local context;

based on the-received state information, maintaining a history of resources accessed by a user of the computer application; and

presenting a global-context history list representative of an order in which the resources were accessed using a single navigation interface.

29. (original) The method of claim 28 further comprising enabling a user of the computer application to return to any, of the listed resources by selecting a desired resource from the global-context history list.

30. (original) The method of claim 28 in which a resource communicates state information in response to a change in state in the resource's local context.

31. (original) The method of claim 30 in which the change in state in the resource's local context comprises a change in an address associated with that resource.

32. (original) The method of claim 30 in which the change in state in the resource's local context comprises a change in a title associated with that resource.

33. (original) The method of claim 28 in which the global-context history list presented to the user selectively omits an identity of one or more of the accessed resources.

34. (original) The method of claim 28 in which maintenance of the history of accessed resources comprises selectively modifying the global-context history list depending on a manner in which a user interacts with the computer application.

35. (original) The method of claim 34 in which the global-context history list is not modified if the manner in which the user interacts with the computer application comprises one or more of clicking a cursor in a window associated with a resource, clicking on a link in a window associated with a resource, clicking on a Back/Forward navigation button, selecting an address from a displayed history list, or typing an address in an address field.

36. (original) The method of claim 28 in which presentation of the global-context history list comprises displaying a drop-down history list to a user.

37. (original) The method of claim 28 in which maintenance of the history comprises adding a new entry to a top of a list if the resource had not been accessed previously.

38. (original) The method of claim 28 in which maintenance of the history comprises rearranging entries in a list if the resource had been accessed previously.

39. (original) The method of claim 28 in which the history of resources corresponds to a navigation path among resources.

40. (original) The method of claim 28 in which the state information received from a resource comprises a Uniform Resource Locator address.

41. (original) The method of claim 28 in which the state information received from a resource comprises a non-internet network address.

42. (previously presented) A software application environment for a computer system, comprising:

a plurality of resources each having an associated local context, wherein the plurality of resources are separate and independent resources that include both browser and non-browser applications;

an application capable of communicating with each of the plurality of resources, the application maintaining a global-context navigation information based on state information received from one or more of the resources; and

a navigation mechanism that includes a single navigation interface and enables a user of the application to move among the resources based on the global-context navigation information, wherein the global-context navigation information is presented as an ordered list of the resources representative of an order in which the resources were accessed using the single navigation interface.

43. (original) The software application environment of claim 42 further comprising graphical controls that enable a user of an application to move among resources based on the global-context navigation information.

44. (previously presented) Software, stored on a computer-readable medium, comprising instructions for causing a computer system to perform the following operation:

establish a global context that can communicate with a plurality of resources, each resource residing in an associated local context, wherein the plurality of resources are separate and independent resources that include both browser and non-browser applications;

communicate state information from one or more of the local contexts to the global context;

maintain global navigation or history information, or both, based on the communicated state information using a single navigation interface; and

present the global navigation information or the history information as an ordered list of the resources representative of an order in which the resources were accessed using the single navigation interface.

45. (original) The software of claim 44 further comprising instructions to enable a user of an application to move among resources based on the global navigation or history information.

46. (original) The software of claim 45 further comprising instructions to display graphical controls with which the user interacts to move among resources.

47. (previously presented) The method of claim 1 wherein browser applications include web browser applications and non-browser applications include word processing applications.

48. (previously presented) The method of claim 28 wherein browser applications include web browser applications and non-browser applications include word processing applications.

49. (previously presented) The software application environment of claim 42 wherein browser applications include web browser applications and non-browser applications include word processing applications.

50. (previously presented) The software of claim 44 wherein browser applications include web browser applications and non-browser applications include word processing applications.

Evidence Appendix

None.

Related Proceedings Appendix

None.